

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 15,148

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Appeal of )

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing her ANFC and Food Stamps based on the earned income of the father of one of her children. The issue is whether the Department correctly attributed the father's income as available to the entire household in calculating the family's eligibility for benefits.

FINDINGS OF FACT

The petitioner lives with her three children and the father of one of those children. The father recently started working 30 hours a week as a cook. Prior to his finding employment, the petitioner received ANFC and Food Stamps for a family of five persons. Now that the father is working, the petitioner feels he should not have to support the children who are not his, and she seeks to have him and his child removed from her and her other two children's ANFC and Food Stamp grants. The Department has determined that all three children and the father must be considered members of the petitioner's household. When the father's income is considered (after allowing various earned income disregards and deductions), this results in a sizable reduction in the petitioner's benefits under both programs.

ORDER

The Department's decision is affirmed.

REASONS

W.A.M. § 2242 provides as follows:

An "assistance group" is defined as one or more individuals whose requirements, income and resources are considered as a unit to determine need for ANFC.

An ANFC assistance group must include one or more eligible dependent children. In addition, the assistance group must include all siblings (including half-siblings) who live with the dependent child or children, who meet one of the deprivation factors according to WAM 2330-2339 and who qualify under

the ANFC age criteria, as defined in policy.<sup>(1)</sup> **If the family assignment is Group 2 or 3, a child is considered an eligible dependent child under the unemployment deprivation factor, even if one or both parents are employed full time.**<sup>(2)</sup> The parent(s) of each child included in the ANFC assistance group must be included in the ANFC assistance group if he or she lives in the home with the children.

(Emphasis in the original.)

Similarly, the Food Stamp regulations require that: "Parent(s) living with their. . .children twenty-one years of age or younger" must be considered a single Food Stamp "household". Food Stamp Manual § 273.1(a)(2).

The Department's decision to include all the petitioner's children and one child's father in the ANFC and Food Stamp households, and to count the father's income as available to the entire household, is clearly consistent with the above regulations. Therefore, the Board is bound by law to affirm it. 3 V.S.A. § 3091 (d) and Fair Hearing Rule No. 17.

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1. Eligibility for ANFC requires establishing that a child is deprived of parental support or care for one of the following reasons and that the income and resources available to the parent in custody of the child and the

child are insufficient to meet the child's total needs according to Department standards:

1. Death of a parent;
2. Continued absence of a parent;
3. Physical or mental incapacity of a parent;
4. Unemployment - (ANFC-UP).

W.A.M. § 2330

2. The Department represented that the petitioner is in Group 3.